

IN THE CLAIMS

*Please amend the claims as follows:*

1. (Currently Amended) A method, comprising:  
receiving a notification from a store and forward entity about an unsuccessful delivery attempt of a message to a mobile terminal device,  
subscribing to a presence service for receipt of notifications about the attainability of said mobile terminal device,  
checking availability information of said mobile terminal device in said presence service for an indication of whether said mobile terminal device will accept said message,  
receiving a status change notification message from said presence service about said mobile terminal device having a change of said availability information, and  
initiating a delivery attempt of said message to said mobile terminal device upon receipt of notifications about the attainability of said mobile terminal device, and ~~when said availability information indicates that said mobile terminal device will accept said message~~in accordance with said received status change notification message about said change of said availability information when said change of said availability information indicates that said mobile terminal device will accept said message,  
wherein said availability information comprises information selected from a group of: type of message, size of the message, data content of the message, location of said mobile terminal device and willingness of a user of said mobile terminal device to receive a message.
2. (CANCELLED)
3. (Previously Presented) The method according to claim 1, wherein said message is a multi media message.
4. (Previously Presented) The method according to claim 1, further comprising receiving of said message to be transmitted to said mobile terminal device.

5. (Previously Presented) The method according to claim 1, further comprising checking availability information of said mobile terminal device in said presence service for the availability of said mobile terminal device.
6. (Previously Presented) The method according to claim 1, wherein said availability information for acceptance of said message depends on properties of said message.
7. (Previously Presented) The method according to claim 6, wherein said properties are selected from a group comprising: message type, message size, sender type, and sender.
8. (Previously Presented) The method according to claim 1, wherein said availability information of said mobile terminal device in said presence service can arbitrarily be changed by receiving said presence service status change message from said mobile terminal device.
9. (Previously Presented) Software tool for performing a delivery attempt of a message to a mobile terminal device in accordance with the information related to the availability status of said mobile terminal device in a communication network, comprising program code means for carrying out the method of claim 1 when said software tool is implemented in a computer program embodied in a computer readable medium for running on a Store-and-Forward Entity or a network device.
10. (Previously Presented) A computer program product comprising a computer readable storage structure embodying computer program code thereon for execution by a computer processor, wherein said computer program code comprises instructions for performing the method according to claim 1.
11. (Previously Presented) Computer program product embodied in a computer readable medium comprising program code means for carrying out the method of claim 1 when said program product is run on a Store-and-Forward Entity or a network device.

12. (Currently Amended) An apparatus, comprising:
- a component for receiving a notification about an unsuccessful delivery attempt of a message, and
  - a component for subscribing to a presence service for receipt of at least one notification about the attainability status of a mobile terminal device,
  - a component for checking availability information of said mobile terminal device in said presence service for an indication of whether said mobile terminal device will accept said message, and
  - a component for receiving a status change notification message from said presence service about said mobile terminal device having a change of said availability information,
  - and
  - a component for initiating a delivery attempt of said message to said mobile terminal device upon receipt of at least one notification about the attainability status of said mobile terminal device and in accordance with said received status change notification message about said change of said availability information when said change of said availability information indicates that said mobile terminal device will accept said message, wherein said availability information comprises information selected from the group of: message type, message size, message content, sender type, sender, and location of said mobile terminal device.
13. (CANCELED)
14. (CANCELED)
15. (Previously Presented) The apparatus according to claim 12, further comprising a component for receiving messages to be transmitted to said mobile terminal device.
16. (Previously Presented) The apparatus according to claim 12, further comprising a component configured to change said availability information in said presence service of said mobile terminal device according to the reception of a presence service status change message from said mobile terminal device.

17. (Currently Amended) An apparatus, comprising:
- means for receiving a notification about an unsuccessful delivery attempt of a message,
  - means for subscribing to a presence service for receipt of at least one notification about the attainability status of a mobile terminal device,
  - means for checking availability information of said mobile terminal device in said presence service for an indication of whether said mobile terminal device will accept said message, ~~and~~
  - means for receiving a status change notification message from said presence service about said mobile terminal device having a change of said availability information, and
  - means for initiating a delivery attempt of said message to said mobile terminal device upon receipt of at least one notification about the attainability status of said mobile terminal device and in accordance with said received status change notification message about said change of said availability information when said change of said availability information indicates that said mobile terminal device will accept said message,
- wherein said availability information comprises information selected from the group of: message type, message size, message content, sender type, sender, and location of said mobile terminal device.
18. (Previously Presented) The apparatus according to claim 17, further comprising:
- means for changing said availability information in said presence service of said mobile terminal device according to the reception of a presence service status change message from said mobile terminal device.
19. (Currently Amended) A system, comprising:
- a mobile terminal device, and
  - a store and forward entity configured to receive a notification about an unsuccessful delivery attempt of a message to said mobile terminal device from said store and forward entity,
- wherein said store and forward entity is responsive to said notification about an unsuccessful delivery attempt, and is configured to subscribe to a presence service for receipt of at least one notification about the attainability of said mobile terminal device,

wherein availability information in said presence service provides an indication of whether said mobile terminal device will accept said message,

wherein said store and forward entity is configured to receive a status change notification message from said presence service about said mobile terminal device having a change of said availability information,

wherein said store and forward entity is configured to initiate a delivery attempt of said message to said mobile terminal device upon receipt of at least one notification about the attainability of said mobile terminal device, and in accordance with said received status change notification message about said change of said availability information when said change of said availability information indicates that said mobile terminal device will accept said message, and

wherein said availability information comprises information selected from a group of: type of message, size of the message, data content of the message, location of said mobile terminal device and willingness of a user of said mobile terminal device to receive a message.